

**REMARKS/ARGUMENTS**

This responds to the Office Action mailed on March 9, 2005. Claims 1, 2, 4 and 5 are pending in the present application. Claims 1 and 4 are rejected. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

**The 35 U.S.C. §102(b) Rejections**

The Examiner rejected claims 1-6 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,042,078 to Oshikoshi et al. (Oshikoshi).

Oshikoshi discloses a method of effecting gradation and color correction of a composite image. A gradation correction is carried out by the use of linear table data written in a look-up table for computer graphic images and non-linear table data for human subject images. Abstract.

Claim 1 recites:

A computer-readable medium containing programming instructions for controlling brightness from a display unit, the programming instructions comprising:

calculating a display brightness in a certain window displayed on a screen of said display unit; and

controlling said display unit so as to change said brightness of said display unit according to said calculated display brightness.

The Examiner cites Figure 1 and reference numerals 15, 18, 20, 21, 24 and 49 of Oshikoshi and col. 3, lines 20-68 and col. 4, lines 1-57.

The Applicant respectfully disagrees with the Examiner. Oshikoshi fails to teach or suggest “calculating a display brightness in a certain window displayed on a screen of said display unit,” as recited in claim 1. Selector 29 of Oshikoshi is switched by the controller 18 so as to selectively transmit the composite image signals to a CRT driver 30 by color. This ‘selection’ of colors in Oshikoshi is needed in order to sequentially insert three primary color filters so as to create a monochromatic composite image to which said photographic paper is exposed in sequence. In such a way, the photographic paper 34 is exposed to three different monochromatic composite images, namely red, green and blue images. Col. 4, lines 61-68. Among the colors, Oshikoshi performs a gradation correction according to a lighting condition and/or the kind of a subject. Col. 3, lines 54-56. The only reference to brightness that the Applicant was able to find was the “CRT driver 30 drives a black-and-white CRT 31 to display on its screen a black-and-white image in the form of a brightness pattern for every monochromatic composite image.” Col. 4, lines 54-57. However, Oshikoshi fails to teach or suggest calculating a display brightness in a certain window displayed on a screen of said display unit.

Furthermore, because Oshikoshi fails to calculate a display brightness as stated above, Oshikoshi also fails to teach or suggest “controlling said display unit so as to change said brightness of said display unit according to said calculated display brightness,” as recited by claim 1.

Claim 1 is an independent claim and is in condition for allowance. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Claim 2 depends from claim 1 and is therefore in condition for allowance.

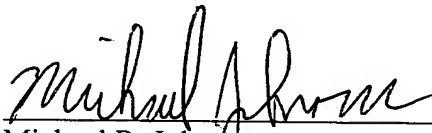
Although claim 4 differs from claim 1, the same arguments applied to claim 1 apply to claim 4. Claim 4 is an independent claim and is in condition for allowance. Claim 5 depends from claim 4 and is therefore in condition for allowance as well.

Accordingly Applicant respectfully requests reconsideration and allowance of claims 1, 2, 4 and 5 as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

A handwritten signature in black ink, appearing to read "Michael R. Johnson", is written over a horizontal line.

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June 2, 2005

Date